

KUANG-BAO P. OU-YOUNG
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Plaintiff Pro Se

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Case No.

KUANG-BAO P. OU-YOUNG,

Plaintiff,

vs.

MELINDA HAAG, former U.S. Attorney for the Northern District
of California, and as an individual; ALEX G. TSE, former acting
U.S. Attorney for the Northern District of California, and as an
individual; JAMES A. SCHARF, Assistant U.S. Attorney, U.S.
Attorney's Office for the Northern District of California, and as an
individual; ANDREI IANCU, Director, U.S. Patent and Trademark
Office, and as an individual; MICHELLE K. LEE, former Director,
U.S. Patent and Trademark Office, and as an individual; TERESA
S. REA, former Acting Director, U.S. Patent and Trademark
Office, and as an individual; MARGARET A. FOCARINO,
Commissioner for Patents, U.S. Patent and Trademark Office, and
as an individual; DONALD T. HAJEC, Director, Technology
Center 3700, U.S. Patent and Trademark Office, and as an
individual; JASON J. BOECKMANN, patent examiner, U.S.
Patent and Trademark Office, and as an individual; THURMAN
K. PAGE, petitions examiner, U.S. Patent and Trademark Office,
and as an individual; BARACK OBAMA, former President of the
United States, and as an individual; HILLARY RODHAM
CLINTON, former U.S. Secretary of State, and as an individual;
GOOGLE, INC.; TAIWAN, REPUBLIC OF CHINA;
INTELLECTUAL PROPERTY OFFICE OF TAIWN,

Defendants.

FILED
JAN 09 2020

CV-20 80010 MISC

COMPLAINT

DEMAND FOR
JURY TRIAL

WHO

JURISDICTION AND VENUE

1. This action raises questions under provisions of the Federal Tort Claims Act in 28 U.S.C. §§ 2671-2680. This Court has original jurisdiction over these claims under 28 U.S.C. § 1346(b). This Court has authority to award the requested declaratory relief under 28 U.S.C. §§ 2201-02, the requested injunctive relief under 28 U.S.C. § 1343(a)(4), the requested damages under 28 U.S.C. § 1343(a)(4), and legal costs under 42 U.S.C. § 1988.

2. Venue is proper under 28 U.S.C. § 1391(b)(2) in the northern district of California because a substantial part of the actions giving rise to this case occurred within the district.

INTRADISTRICT ASSIGNMENT

3. Pursuant to Civil L.R. 3-2(c) and (e), this is a civil rights case, in a non-excepted category, suitable for assignment to the San Jose division because former magistrate judge Paul Singh Grewal dismissed plaintiff's previous action against defendant employees of U.S. Patent and Trademark Office on November 4, 2013 without a jury trial.

PARTIES

4. Plaintiff Kuang-Bao P. Ou-Young is a resident of Santa Clara County.

5. Defendant Melinda Haag was U.S. attorney for the northern district of California from August 5, 2010 until September 1, 2015. Former U.S. attorney ("FUSA") Haag is being sued as an individual as well.

6. Defendant Alex G. Tse was acting U.S. attorney for the northern district of California from January 8, 2018, until January 14, 2019. FUSA Tse is being sued both for his role as defense counsel in plaintiff's previous action against USPTO and as an individual.

7. Defendant James A. Scharf is an assistant U.S. attorney ("AUSA") at the U.S. attorney's office for the northern district of California. AUSA Scharf is being sued as an individual as well.

8. Defendant Andrei Iancu is director of the U.S. Patent and Trademark Office (“USPTO”). Director Iancu is being sued as an individual as well.

9. Defendant Michelle K. Lee was director of USPTO from January 13, 2014 until June 6, 2017. Director Lee is being sued as an individual as well.

10. Defendant Teresa S. Rea was acting director of USPTO from February 2013 until November 21, 2013. Director Rea is being sued as an individual as well.

11. Defendant Margaret A. Focarino is the commissioner for patents at USPTO. Commissioner Focarino is being sued as an individual as well.

12. Defendant Donald T. Hajec is director of Technology Center 3700, USPTO. Director Hajec is being sued as an individual as well.

13. Defendant Jason J. Boeckmann is a patent examiner at USPTO. Said examiner is being sued as an individual as well.

14. Defendant Thurman K. Page is a petitions examiner at USPTO. Examiner Page is being sued as an individual as well.

15. Defendant Barack Obama was president of the United States from January 20, 2009 until January 20, 2017. President Obama is being sued as an individual as well.

16. Defendant Hillary Rodham Clinton was U.S. secretary of state from 2009 until 2013. Secretary Clinton is being sued as an individual as well.

17. Defendant Google, Inc. (“Google”) is a Delaware corporation with its principal place of business at 1600 Amphitheatre Parkway, Mountain View, California.

18. Defendant Taiwan, Republic of China, is a state with uncertain political status in East Asia.

19. Defendant the Intellectual Property Office of Taiwan (“TIPO”) is the patent, trademark, and copyright office of Taiwan.

FACTURAL BACKGROUND

20. On July 7, 2006, plaintiff applied for a patent entitled “High Volume Dripping Hoses” (“HVDH”) with USPTO (Application No. 11/482703). The application was published on January 24, 2008.

21. On October 25, 2007, plaintiff applied for a patent based on HVDH with TIPO (Case No. 96139991).

22. On July 5, 2013, plaintiff filed a complaint against director Rea, commissioner Focarino, director Hajec, examiner Boeckmann, and examiner Page for their roles in examining said patent application (Case No. 5:13-cv-03118-PSG).

23. USPTO suspended plaintiff’s patent application on July 15, 2013.

24. On September 4, 2013, the U.S. attorney’s office moved to dismiss the lawsuit against USPTO employees.

25. Judge Grewal dismissed the case against USPTO on November 4, 2013.

26. President Obama appointed director Lee as head of USPTO to succeed director Rea on January 13, 2014.

27. Plaintiff petitioned the House Judiciary Committee to impeach president Obama, FUSA Haag, AUSA Scharf, and other federal officials on August 28, 2015.

28. On February 8, 2018, director Iancu took office.

CLAIM

c1. Claim 1 Civil Rights Violation: On September 4, 2013, the U.S. attorney’s office moved to dismiss plaintiff’s civil action against employees of USPTO. On November 4, 2013, judge Grewal dismissed the case. As said case was dismissed without a jury trial, FUSA Haag, FUSA Tse, and AUSA Scharf have conspired with judge Grewal to deprive plaintiff of the Seventh Amendment right to a jury trial in said civil case.

1 c2. Claim 2 Constitutional Violation: USPTO has illegally rejected plaintiff's patent
 2 application based on HVDH. As a result, judge Grewal dismissed plaintiff's previous lawsuit
 3 against employees of USPTO without a jury trial. Director Rea, commissioner Focarino, director
 4 Hajec, examiner Boeckmann, and examiner Page have denied plaintiff a patent based on HVDH
 5 as authorized by Section 8, Article I of the Constitution.

6 c3. Claim 3 Constitutional Violation: President Obama appointed director Lee from
 7 Google as head of USPTO on January 13, 2014 in order to keep plaintiff's patent application
 8 suspended as long as practical. Accordingly, president Obama, director Lee, and Google have
 9 deprived plaintiff of a patent based on HVDH as authorized by the Constitution.

10 c4. Claim 4 Constitutional Violation: Director Iancu took office on February 8, 2018.
 11 Yet the current director of USPTO has continued the suspension of plaintiff's patent application
 12 since. For this reason, director Iancu has deprived plaintiff of the constitutional right to a patent
 13 based on HVDH.

14 c5. Claim 5 Constitutional Violation: Based on HVDH, plaintiff applied for a patent
 15 with TIPO on October 25, 2007. However, TIPO rejected the patent application on February 8,
 16 2010, May 19, 2010, and February 22, 2011 based on the same arguments as those USPTO had
 17 rejected plaintiff's patent application with. President Obama has directed secretary Clinton to
 18 pressure the government of Taiwan and TIPO to reject plaintiff's patent application thereof in
 19 order to legitimize the rejections of plaintiff's patent application by USPTO. President Obama,
 20 secretary Clinton, Taiwan, and TIPO have conspired to deprive plaintiff of a patent based on
 21 HVDH as authorized by the Constitution.

22 **REQUEST FOR RELIEF**

23 WHEREFORE, plaintiff respectfully requests that the Court enter judgment against all
 24 defendants and provide plaintiff with the following relief:

1. A declaratory judgment that FUSA Haag, FUSA Tse, AUSA Scharf, director Iancu, director Lee, director Rea, commissioner Focarino, director Hajec, examiner Boeckmann, examiner Page, president Obama, secretary Clinton, Taiwan, and TIPO have violated plaintiff's constitutional rights as presented in claim 1 through claim 5.
2. Monetary damages in the amount of \$10,000,000.00 each against FUSA Haag and FUSA Tse, \$8,000,000.00 against AUSA Scharf, \$10,000,000.00 each against director Iancu, director Lee, director Rea, and commissioner Focarino, \$8,000,000.00 against director Hajec, \$6,000,000.00 each against examiner Boeckmann and examiner Page, \$2,000,000,000.00 against president Obama, \$1,000,000,000.00 against secretary Clinton, \$5,000,000,000.00 against Google, \$20,000,000,000.00 against Taiwan, and \$5,000,000,000.00 against TIPO.
3. Monetary punitive damages against all defendants.
4. An order referring all defendants except Taiwan and TIPO to U.S. Attorney General for criminal prosecution.
5. Plaintiff's reasonable costs and expenses of this action in accordance with 42 U.S.C. § 1988 and other applicable law.
6. All other further relief to which plaintiff may be entitled.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury on all issues for which a right to jury trial exists.

Respectfully submitted this 9th day of January 2020.

Kuang-Bao Ou Young

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Plaintiff